

Message Text

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DRAFTED BY SCA:SCS:RJBOYLAN:GJL

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JUSTICE, MR. RISTAU, ROOM 3612, MAIN JUSTICE; MR. CHAMBLEE, RM 860

SAFEWAY BLDG.; MR. GRAHAM, RM 736 SAFEWAY BUILDING

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FM SECSTATE WASHDC

TO AMCONSUL HONG KONG

INFO SECDEF WASHDC

USARMY CID COMMAND

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SECDEF FOR PDASD(C) -- CID COMMAND FOR CIOP-FR

E.O. 11652: N/A

TAGS: CGEN; (U.S. V. SIMMONS)

SUBJECT: ASSISTANCE IN PROSECUTION OF CRIMINAL CASE

REF: STATE 166928

1. U.S. DISTRICT COURT IN W. VA. HAS INFORMED DOJ CRIMINAL DIVISION THAT IT EXPECTS SPEEDY TRIAL IN SIMMONS CASE, AND IS CONSIDERING SEPTEMBER TRIAL DATE. DOJ THEREFORE ANXIOUS TO KNOW STATUS OF REQUEST SET FORTH IN REFTEL. PLEASE ADVISE.

2. IF DEPOSITIONS TO AUTHENTICATE BANK RECORDS ARE HELD IN HONG KONG, SIMMONS MAY WELL EXERCISE HIS CONSTITUTIONAL RIGHT TO CONFRONT AUTHENTICATING WITNESSES, MEANING GOVERNMENT WILL HAVE TO BRING HIM TO HK. DOJ EXTREMELY CONCERNED ABOUT SECURITY, AND IS HOPEFUL GOHK WOULD PERMIT SIMMONS TO BE ACCOMPANIED BY THREE U.S. MARSHALS(TO PROVIDE AROUND THE CLOCK SECURITY). CONGEN REQUESTED TO APPROACH APPROPRIATE OFFICIALS TO ASCERTAIN UNCLASSIFIED

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WHETHER GOHK WOULD GRANT PERMISSION FOR SIMMONS' VISIT

UNDER THESE CIRCUMSTANCES AND FOR PRESENCE OF MARSHALS FOR PURPOSES STATED ABOVE. IF MARSHALS NOT ACCEPTABLE (OR NOT CONSIDERED ADEQUATE FROM SECURITY STANDPOINT) REQUEST ALTERNATIVES BE EXPLORED. IN VIEW OF TIME PRESSURE, EARLY REPLY WOULD BE APPRECIATED.

3. CHIEF OF DOJ'S FOREIGN LITIGATION, RISTAU, PLANS TO TRAVEL TO HK THIS COMING WEEKEND (AUGUST 10) TO CONSULT WITH CONGEN AND LOCAL COUNSEL ON NUMEROUS ISSUES WHICH HAVE ARISEN AS A RESULT OF PENDENCY OF CIVIL ACTION AND CERTIORARI PROCEEDINGS IN HK, CRIMINAL PROCEEDINGS IN U.S., AND SUBMISSION OF SETTLEMENT OFFER ON BEHALF OF SIMMONS. RISTAU FAMILIAR WITH ALL ASPECTS OF U.S. CRIMINAL ACTION AND PREPARED TO CLARIFY MATTERS REFERRED TO IN PARA 2, ABOVE, NEXT WEEK. DOJ WOULD BE GRATEFUL FOR CABLE ADVICE WHETHER REPRESENTATIVES OF JOHNSON, STOKES AND MASTER PREPARED TO MEET WITH RISTAU NEXT WEEK FOR EXTENDED CONSULTATIONS. KISSINGER

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